

REMARKS

With respect to the amendments of claim 1,
Formula (5) was deleted,

the amendment regarding Formula (4) is supported by, for example, compound 1 (page 33 of the Specification) which was used in OLED 2-6 in Table 2 (page 143 of the Specification),

the amendment regarding Formula (6) is supported by, for example, compound 71 (page 46 of the Specification) which was used in OLED 1-15 in Table 1 (page 141 of the Specification), and

with respect to the amendments of Group A,

an alkyl group is supported by, for example, compound 1 (page 33 of the Specification) which was used in OLED 2-6 in Table 2 (page 143 of the Specification),

a trifluoro methyl group is supported by, for example, compound 71 (page 46 of the Specification) which was used in OLED 1-15 in Table 1 (page 141 of the Specification),

an aryl group is supported by, for example, compound 5 (page 34 of the Specification) which was used in OLED 2-8 in Table 2 (page 143 of the Specification), and

an aromatic heterocycle group, for example, compound 49 (page 42 of the Specification) which was used in OLED 2-14 in Table 2 (page 143 of the Specification).

Claim 27 was cancelled in view of the deletion of Formula (5) in claim 1.

Claims 1, 14-16, 23, 24, 27, and 28 are rejected under 35 U.S.C. 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kita et al (JP 2003/109758 A), machine translation relied upon.

Claim 1 was amended as above, to delete overlap with the prior art. Therefore, amended claim 1 is not anticipated by Kita et al.

Further, Kita et al do not disclose or suggest an idea of "a ligand comprising an aryl group of which free rotation is blocked or an aromatic heterocycle group of which free rotation is blocked", as claimed in the present application.

The Examiner has appeared to apply impermissible hindsight in the reasoning that because the reference teaches substituents for an aryl group, this teaches or renders obvious aryl groups where free rotation is blocked. As to the obviousness rejection, the teaching to render obvious such a jump in conclusions, is not there.

Therefore, none of ordinary skill in the art would be suggested nor motivated to use a compound claimed in the above amended claim 1 as an organic electroluminescence element material.

Accordingly, above amended claim 1 of the present application is not anticipated nor obvious over Kita et al.

Thus, claim 1 and all the dependent claims upon claim 1, namely, claims 12-26 and 28-30 should be allowed.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita et al (JP 2003/109758 A) as applied to claim 1 above, machine translation relied upon.

Regarding claims 12 and 13, Kita et al disclose all the claim limitations. As discussed above, Kita et al does not disclose or render obvious all the claim limitations of the main claim from which claims 12 and 13 depend.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (US 2003/0218418 A9) in view of Kita et al (JP 2003/109758 A), machine translation relied upon. As with the above discussion of claim 11, this rejection requires an unsupported hindsight reasoning with respect to aryl group where free rotation is blocked.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita et al (JP 2003/109758 A), machine translation relied upon (as applied to claim 15), and Iwakuma et al (US 2004/0086745 A1). As detailed above, Kita et al does not show or suggest the invention. Adding Iwakuma does not supply the missing teaching.

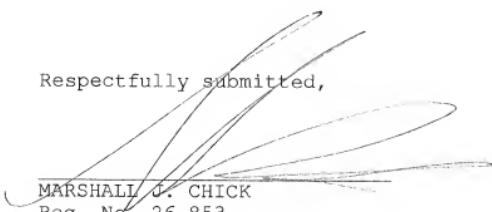
To reject claims 19 and 20, the Examiner adds Okada or Stossel, respectively. However, adding the teachings of these references to Kita still does not provide the missing teaching detailed above.

For the claims 21 and 22 rejection, the Examiner relies primarily on Seo in view of Kita. Claim 21 further requires Iwakuma while claim 22 further requires Stossel.

However, these rejections still require that Kita et al show or suggest essentially the heart of the claimed invention, which it does not, as detailed above.

With respect to the provisional nonstatutory double patenting rejection, this will be evaluated after allowable subject matter is indicated.

Respectfully submitted,


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